

Docket No. 0505-0963P

Appl. No.: 10/076,494

Art Unit: 2836

Amendment dated November 5, 2003

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## **REMARKS**

Applicant appreciates the Examiner's thorough consideration provided in the present application. Claims 1 and 3-18 are currently pending in the instant application. Claims 1, 3, 4 have been amended. Claim 2 has been cancelled. Claims 1 and 7 are independent. Reconsideration of the present application is earnestly solicited.

## **Drawings**

The Examiner has objected to the drawings as allegedly failing to comply with 37 CFR 1.83(a). Applicant respectfully traversed this objection. Specifically, Applicant submits that an infrared receiver is clearly shown at an uppermost portion of the vehicle body in FIGs. 1, 2 and 4. Further, the specification clearly describes that this uppermost portion may be the uppermost surface of the mirror (also shown in FIGs. 1, 2 and 4) and/or the uppermost surface of the windshield (also shown in FIGs. 1, 2 and 4).

Applicant submits that in accordance with 37 CFR 1.81 (a) and (c), one of ordinary skill in the art would clearly understand what is meant by the claim limitation of claim 5 as the uppermost surface of the mirror is clearly shown

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and the infrared receiver is clearly shown in the same FIGs. 1, 2 and 4 and these features would be clearly appreciated by one of ordinary skill in the art.

### **Priority**

Applicant appreciates the Examiner's indication of acceptance of the certified copy of the corresponding priority document for the present application.

### **Claim Objections**

The Examiner has objected to claims 6, 9 and 17 as allegedly containing minor informalities. In light of the foregoing amendments to the claims, these objections have been obviated and/or rendered moot. With respect to claims 6 and 9, the Examiner's alternative interpretation of claims 6 and 9 is improper and clearly not supported by the original claim language.

For example, claims 1 and 7 clearly describe at least one lock mechanism. The Examiner is reminded that this should be interpreted as either one lock mechanism or more than one lock mechanism. Claims 6 and 9 clearly and more specifically describe that the at least one lock mechanism (previously and properly claimed in claims 1 and 7) includes three locking

mechanisms (more narrow than claims 1 and 7, respectively): a handle lock mechanism for controlling a pivotal motion of a handle when parking the vehicle, a stand lock mechanism for locking a main stand, and a seat lock mechanism provided on the vehicle body. Accordingly, claims 6 and 9 clearly claim that the at least one lock mechanism includes three locking mechanisms. . .a handle lock mechanism, a stand lock mechanism AND a seat lock mechanism. The alternative interpretation advanced by the Examiner is not supported by the claim language of claims 6 and 9. Accordingly, these objections have been obviated and/or rendered moot.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 1-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Umeda et al. (JP 03-295777) in view of Yoshida et al. (U.S. Patent No. 5,124,565). However, the Examiner has not specifically cited claim 18 as being rejected under this combination of the prior art of record (see page 3 of the Office Action). This rejection(s) is/are respectfully traversed.

In light of the foregoing amendments to the claims, Applicant respectfully submits that all of the rejections have been obviated and/or rendered moot. Without conceding the propriety of the Examiner's rejection, but merely to

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expedite the prosecution of the present application, Applicant has cancelled claim 2 and amended claim 1. Accordingly, this rejection has been obviated and/or rendered moot.

Applicant submits that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention of claims 1 and 7. Accordingly, this rejection should be withdrawn.

With respect to claim 1, Applicant submits that the prior art of record fails to teach or suggest the combination of limitations of the claimed invention, including the feature(s) of: "an infrared receiver being capable of receiving an infrared signal emitted from said infrared transmitter, wherein said infrared receiver consists of a single infrared receiver disposed above a handle of the vehicle body and along an uppermost portion of the vehicle body, *wherein said uppermost portion of said vehicle body is a windshield plate extending from a front portion of said vehicle body or a mirror, and said single infrared receiver is disposed along an upper edge of said windshield plate or said mirror, a lock actuator being capable of locking and unlocking at least one lock mechanism being incorporated in the vehicle body.*" (emphasis added)

With respect to claim 7, Applicant submits that the prior art of record fails to teach or suggest the combination of limitations of the claimed invention, including the feature(s) of: *“an infrared receiver being capable of receiving an infrared signal emitted from said infrared transmitter, said infrared receiver disposed along an uppermost portion of the vehicle body, wherein said vehicle body includes a transparent windshield plate extending upwardly at a front end portion of an upper face of a handle cover for a steering shaft; a lock actuator being capable of locking and unlocking at least one lock mechanism being incorporated in the vehicle body; and a control apparatus for controlling an operation of said lock actuator based on the infrared signal received by said infrared receiver, said infrared receiver being connected to said control apparatus through a wiring cable extending along a peripheral edge of the windshield plate.”* (emphasis added) Accordingly, this rejection should be withdrawn.

The device described by Umeda et al. (JP 03-295777) describes a portable infrared transmitter inside of the seat. However, Umeda et al. does not describe the infrared transmitter controlling any locking mechanism for a vehicle. Further, Umeda et al. does not describe this transmitter being positioned anywhere near the uppermost part of a vehicle body. Specifically,

the Umeda et al. reference clearly does not describe anything having to do with positioning an infrared device along an uppermost portion of the vehicle body, i.e., the windshield plate and/or the mirror.

The Examiner alleges that the Yoshida et al. (U.S. Patent No. 5,124,565) describes the vehicle as having a lock actuator with a control apparatus positioned within an inner side of a cowl. However, as with Umeda et al., neither of these references teaches or suggests that the locking mechanism and the associated infrared device are positioned along an uppermost portion of the vehicle body, particularly along the uppermost surfaces of a mirror and/or windshield plate.

In addition, with respect to claim 7, neither of the references suggest anything with respect to the positioning of "*an infrared receiver being connected to said control apparatus through a wiring cable extending along a peripheral edge of the windshield plate.*" Accordingly, this rejection should be withdrawn.

The single infrared receiver of the claimed invention is disposed above the handle and along an uppermost portion of the vehicle body so that the range of directivity of the infrared receiver can be readily covered without being influenced by the seat or the vehicle body. The Examiner has further modified the alleged combination of Umeda et al. in view of Yoshida et al. to achieve the

beneficial positioning of the single infrared receiver without any additional evidentiary support in the prior art to support this opinion of the Examiner.

Accordingly, this alleged motivation (occurring at the last 4 lines of page 3 of the Office Action) to further alter the combination of the prior art is improper as it has not been substantiated with any support from the prior art of record. Accordingly, this rejection should be withdrawn and the present application should be passed to Issue.

### **CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state-of-the-art, no further comments are necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

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In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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